

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAKEDA PHARMACEUTICAL CO., LTD.,
TAKEDA PHARMACEUTICALS NORTH
AMERICA, INC., TAKEDA
PHARMACEUTICALS LLC, AND TAKEDA
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

vs.

HANDA PHARMACEUTICALS, LLC., AND
PAR PHARMACEUTICALS, INC.,

Defendants.

Case No. 3:11-cv-00840 JCS

**~~[PROPOSED]~~ FINAL JUDGMENT AS TO
HANDA PHARMACEUTICALS, LLC.,
AND PAR PHARMACEUTICALS, INC.**

Judge: Hon. Joseph C. Spero
Courtroom G, 15th Floor

Related Cases: 3:11-cv-01609 (JCS)
3:11-cv-01610 (JCS)

1 This action having come before the Court for a bench trial from June 5 to June 12, 2013;
2 the issues having been heard and a decision having been rendered:

3 **IT IS HEREBY ORDERED AND ADJUDGED** this ~~1st~~ day of ~~November~~, 2013, for
4 the reasons set forth in the Court's Findings of Fact and Conclusions of Law [D.N. 446] dated
5 October 17, 2013, that Judgment shall be entered in favor of Plaintiffs Takeda Pharmaceuticals
6 Co., Ltd., Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, and
7 Takeda Pharmaceuticals America, Inc. (collectively, "Takeda"), and against Defendants Handa
8 Pharmaceuticals, LLC, and Par Pharmaceuticals, Inc. (collectively, "Handa/Par"), on Takeda's
9 claims that Handa/Par's proposed products described in Abbreviated New Drug Application
10 ("ANDA") No. 202-294 infringe asserted claims 2 and 3 of U.S. Patent No. 6,664,276 ("the '276
11 Patent") and asserted claims 1 and 2 of U.S. Patent No. 7,737,282 ("the '282 Patent") pursuant to
12 35 U.S.C. § 271(e)(2); and it is further,

13 **ORDERED AND ADJUDGED** that the asserted claims of the '276 and '282 Patents are
14 valid and enforceable, and that Judgment shall be entered in favor of Takeda and against
15 Handa/Par on all counterclaims and defenses alleging noninfringement, invalidity, or
16 unenforceability of the '276 and '282 Patents; and it is further,

17 **ORDERED AND ADJUDGED**, pursuant to the Court's Order Re Summary Judgment
18 [D.N. 265] dated April 8, 2013, that Judgment shall be entered in favor of Handa/Par and against
19 Takeda on Takeda's claim that Handa/Par's proposed products described in ANDA No. 202-294
20 infringe asserted claims 2, 4, and 6 of U.S. Patent No. 7,790,755 ("the '755 Patent"); and it is
21 further,

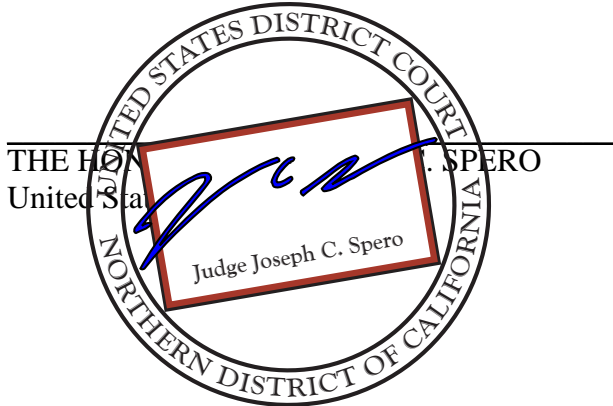
22 **ORDERED AND ADJUDGED** that Judgment shall be entered in favor of Handa/Par and
23 against Takeda on Handa/Par's counterclaim alleging noninfringement of asserted claims 2, 4, and
24 6 of the '755 patent, and that Handa/Par's counterclaims and defenses alleging invalidity and
25 unenforceability of the '755 Patent are moot; and it is further,

26 **ORDERED** that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval
27 by the United States Food and Drug Administration of Handa/Par's proposed products described
28 in ANDA No. 202-294 shall be a date that is not earlier than the last date of expiration of the '276

1 and '282 Patents (currently, June 15, 2020, for the '282 Patent, and December 15, 2020, with
2 attached six months of pediatric exclusivity for the '276 Patent, which date is subject to extension
3 pursuant to Takeda's request for patent term extension currently pending before the U.S. Patent
4 and Trademark Office); and it is further,

5 ~~ORDERED~~ that, pursuant to Civil L.R. 54-1, costs shall be awarded to Takeda. JCS

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7 DATED: 11/1, 2013



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2 DATED: October 25, 2013
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Presented by,

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By: /s/ Heather E. Takahashi

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